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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,943	03/30/2001	Louis B. Rosenberg	IMMPI27	7594

7590 09/13/2002
Immersion Corp.
801 Fox Lane
San Jose, CA 95131

EXAMINER

CEGIELNIK, URSZULA M

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 09/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,943

Applicant(s)

ROSENBERG, LOUIS B.

Examiner

Urszula M Cegielnik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-13,24-30 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-13,24-30 and 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-6, 8-13, 24,30, and 37-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8, recites "said actuator outputting forces". It is not clear what structural limitation this recitation is referring to. Claims 21 and 25 recite similar language.

In the last line of claim 1, "a state of said toy device" to be recited functionally. On the other hand, other portions of the claim appear to recite further structural limitations on the state of the toy device (note for example only claim 37 at line 2). Accordingly, it is not clear whether the state of the toy device is in fact claimed or is only recited as intended use of the claimed amusement device.

Claim 8 recites the limitation "said state information" in line 2. There is improper antecedent basis for this limitation in the claim.

Claim 41 recites, "said user manipulation includes a sequence of user manipulations". It is unclear what structural limitation the applicant is intending to claim.

The above are intended as examples only. Applicant is requested to thoroughly review the claims and make any necessary corrections thereto wherever appropriate but not specifically pointed out.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 8-13, 24-30, and 37-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Collier.

Collier disclose a control device (200) comprising a housing (Figure 2); at least one control (220) for manual manipulation by said user, wherein said control signals representing said manipulation are sent to said toy device to control said operation of said toy device (col. 6, lines 21-32; col. 12, lines 20-22; col. 16, lines 12-19); an actuator (20) coupled to said housing (Figure 2), said actuator (20) appears to be outputting forces on said housing (Figure 2) or said at least one control (220) in response to received actuator signals; and a controller (220) electrically coupled to said actuator (20) as recited in claim 1; said force are output on said at least one control, wherein said at least one control includes a lever movable along an axis (col. 4, lines 66-67) as recited in claim 4; said control signals sent to said toy device are transmitted wirelessly to said toy device (col. 4, lines 67-68 and col. 5, line 1) as claimed in claim 5; said control signals are transmitted as RF signals (col. 4, lines 67-68 and col. 5, line 1) as required by claim 6; the state information received from the toy device includes information from a contact sensor on the toy device, the information indicating whether

the toy device has contacted with another object at a location of the contact sensor (col. 6, lines 48-51; col. 12, lines 20-22) as claimed in claim 8; the information indicates a degree of contact of the toy device with another object (col. 6, lines 48-51; col. 12, lines 20-22) as recited in claim 9; the toy device is a toy car as claimed in claim 13; the at least one control manipulated by the user includes a turning control (222) that determines a direction of travel of the toy device, wherein a magnitude or frequency of the forces is correlated with a setting of the turning control (col. 4, lines 52-65) as required by claim 12; the toy device including a sensor (100) as recited in claim 27, said sensor detects contact of said toy device with another object, wherein said information informs said remote control unit of said contact (col. 6, lines 48-51; col. 12, lines 20-22) as recited in claim 28, and said sensor detects a degree of contact of said toy device with another object, wherein said information informs said remote control unit of said degree of contact (col. 6, lines 48-51; col. 12, lines 20-22) as claimed in claim 29; the state of the toy device is at least in part inferred from one or more user manipulations of the at least one control (220) as recited in claim 37; the one or more user manipulations appears to include a sequence of user manipulations as claimed in claim 38; the state of the toy device is determined at least in part from state information received from the toy device (col. 6, lines 48-51; col. 12, lines 20-22) as required by claim 39; the state of the toy device is at least in part inferred from a user manipulation of the at least one control means (col. 6, lines 21-32; col. 12, lines 20-22; col. 16, lines 12-19) as claimed in claim 40; the user manipulation appears to include a sequence of user manipulations as recited in claim 41; the state of the toy device is determined at least in part from state

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information received from the toy device as recited in claim 42; the information from the contact sensor means (100) indicates a degree of contact of the toy device with the other object col. 6, lines 48-51; col. 12, lines 20-22) (as recited in claims 24 and 43; the state information received from the toy device includes an amount of acceleration experienced by the toy device in at least one dimension of the toy device (col. 12, lines 20-22; col. 13, lines 60-63; col. 16, lines 12-19) as recited in claims 10 and 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collier in view of Ogata et al.

Collier disclose most of the features of the invention except for the actuator moving an inertial mass (actuation means) to provide inertial haptic sensations on said housing, the inertial haptic sensations being felt by said user as claimed in claims 3, and 21.

Ogata et al. teach a game machine control unit which operates using force feedback. More specifically, Ogata teaches a vibratory motor 24 with a rotating shaft 25 that moves an inertial mass 26.

It would have been obvious to one of ordinary skill in the art in view of Ogata et al. to provide the control device of Collier with an actuator that moves an inertial mass for the purpose of making the toy feel more realistic such as in a live performance.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collier in view of Orton et al.

Collier discloses most of the features of the invention except for a throttle control.

Orton et al. teach a remote controlled speed controller that includes a throttle control 25 that determines the speed of a model car.

It would of been obvious in view of Orton et al. to provide the device of Levin et al. with a throttle control for the purpose of controlling the movement of a toy vehicle.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 6:45AM - 3:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik
Assistant Examiner
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A handwritten signature in black ink, appearing to read 'DHB', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700